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PART – I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

PRISONS DEPARTMENT

Notification

The 9th November, 2021

No. 46/14/2021-4JJ(II).— In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Haryana hereby makes the following Online Transfer Policy for Clerks (Field Cadre) of the Prisons Department, Haryana:—

1. Vision

To ensure equitable and demand- based distribution of employees in a fair, impartial and transparent manner.

2. Sanctioned strength

Sanctioned strength of clerks is 78

3. Definitions

- (i) In this policy, unless the context otherwise requires, the term ‘employee’ shall refer to clerks.
- (ii) Any reference to masculine gender shall include feminine gender too.

4. Main Features

- (i) An employee is liable to be transferred anywhere in the State to any district or prison in public interest as per this Policy.
- (ii) No employee shall be posted in his Home District in the Prisons Department or in any other department/ organisation on transfer or deputation basis.
- (iii) If the employee has got his home district changed to another district, both these districts, shall be considered as his Home Districts.
- (iv) Female employee shall be given a chance to change her home district after her marriage, within six months only, whereafter no claim of change of Home District shall be entertained.
- (v) In grave administrative exigency arising out of misconduct, the department can post any employee to any post/station anywhere in the State at any time with prior approval of the Hon’ble Chief Minister. Registration of criminal case against the employee or initiation of major penalty departmental proceedings for the misconduct shall however be a condition precedent for such transfer.

- (vi) In administrative exigency and to deal with requirement in an emergent situation, the department may post any employee at any post/ station anywhere in the State at any time with prior approval of the Hon'ble Chief Minister.
- (vii) In ordinary course, the total period of posting of an employee in all prisons or institutions located in one district, all put together, shall not exceed 05 years either in a single or multiple tenures. However, the employee will be eligible for transfer back to any prison or institution located in the said district from where he was transferred on completion of 05 years' tenure or earlier due to any reason, after a gap of 5 years since the date of his relinquishing charge from that district.
- (viii) If any employee has been awarded major punishment or any criminal case registered against him during his posting at a particular jail, he shall be barred from posting at the same station for the next 10 years from the date of charge sheet or registration of FIR as the case may be.
- (ix) Notwithstanding anything in this policy, an employee having 12 months or less service left before retirement shall be given the posting of his choice except in his home district subject to the condition that an employee can claim benefit under this Para only once in his career. Such an employee can participate in the transfer process as a special case even before completing 2 years at a station.
- (x) Subject to other conditions in this policy, an employee can participate in the transfer process on his own volition after completing two years of tenure at a post/ place. However, this condition will not be applicable to the transfers to be made under this policy in the year 2021.
- (xi) All employees eligible to participate in the transfer policy shall be asked to give minimum of 10 preferences in order of choice for place/ places of posting. An employee shall be given posting as per his preference and strictly as per the merit to be prepared as per this policy.
- (xii) Merit shall be prepared as per the criteria laid down herein after. Employees having major disability caused during service, employees having mentally challenged / divyang child/children and spouse, couple case, divorce and separated women, unmarried female employee more than 40 of age, employees suffering from "Diseases of Debilitating Disorder" shall be given extra consideration as per the Special Category Merit Criteria para 6 (b) at Sr. No. (I) to (VII).
- (xiii) Employees having Outstanding Annual Confidential Report in the previous year shall be given weightage as per the Special Category Merit Criteria para 6 (b) at Sr. No. (VII).
- (xiv) This Transfer Policy shall be applicable with immediate effect in the current year and as per the Time Schedule mentioned in Para 5 in the subsequent years.

5. Time Schedule

- (i) Periodicity of the transfers: General transfers will be made only once in a year in the month of March to be effective before 31st March, provided that in case transfer drive cannot be undertaken in March due to administrative reasons, the same shall be undertaken at the earliest available opportunity after recording reasons for the same and the timelines as contained in clause (iii) below shall stand rescheduled accordingly. Further, transfers/ posting necessitated by promotions / direct recruitments / superannuation/ misconduct however can be made anytime to meet administrative exigencies, operational efficiency and suitability.
- (ii) Qualifying date for actual vacancies, deemed vacancies, weightage /merit point calculation, count of stay at a place of posting shall be 1st January of the calendar year of transfer or as notified by the government for a given year.
- (iii) Transfer process will start in the month of January and will be completed by 15th March of each year. It will involve following processes:
 - (a) Rationalization of posts.
 - (b) Computerization of relevant record of employees.
 - (c) Preparation of provisional actual vacancy list.
 - (d) Seeking 'Yes / No' option for transfer from employees completing 2 years at one place of posting.
 - (e) Preparation of deemed vacancy list.
 - (f) Notification of list of vacancies to be filled/ blocked.
 - (g) Seeking preferences for choice of stations.
 - (h) Generation of transfer orders (by the end of March.)

Notification of dates for each process will be made by the competent authority.

6. Merit Criteria for allotment of post

- (i) Merit for allotment of vacant post to an employee shall be based on the total composite score of points earned by the employee, out of 80 points as described below. The employee earning highest points shall be entitled to be transferred against a particular vacancy.
- (ii) Age shall be the prime factor for deciding the claim of an employee against a vacancy since it shall have weightage of 60 points out of the total points.
- (iii) To take care of special categories like employees having major disability caused during service, employees having mentally challenged/divyang child/children and spouse, couple case, divorce and separated women, unmarried female employee more than 40 of age, employees suffering from "Diseases of Debilitating Disorder", employees having outstanding /very good Annual Confidential Report in the previous year (herein to be referred as **Special Category**), extra points shall be given as indicated in Para 6 (b).

(a) Age

Sr. No.	Major Factor	Sub-Factor	Max. Points	Criteria for calculation
(I)	Age (Present date i.e. (1st January, 2021 minus date of birth)	Eldest person shall be given maximum points.	60	Age in number of days ÷ 365 (Maximum four decimal points only)

(b) The second set of merit points will come from the Special Category numerated hereinafter:

Sr. No.	Major Factor	Sub-Factor	Max. Points	Explanation
(I)	Gender	Female	10	10 points shall be given to all female employees.
(II)	Employees having major disability caused during service.	Vision	20	40% to 60% disability = 10 Marks. Above 60% to 80% disability=15 Marks. Above 80% to 100% disability=20 Marks. Employees having 100% disability will have overriding priority.
		Locomotors/Ortho	20	
		Deaf & Dump	20	
(III)	Employees having "Diseases of Debilitating Disorder" As per the Haryana Government School Education Department Haryana, notification No. 1/72-2016-e.Gov. Cell dated 27.06.2016. (Annexure A)	Self Spouse/ unmarried children	10	Valid certificate issued during last one year by AIIMS (including its branches in Haryana), PGI Rohtak, PGI, KhanpurKalan, KalpanaChawla Medical College, Karnal, PGI Chandigarh or duly constituted Medical Board only.
(IV)	Employees having differently – abled / divyang or mentally challenged child / children or spouse.	Spouse/ unmarried children	10	Employees having mentally challenged or 100% differently-abled child/ children or spouse shall be provided 10 points.

(V)	Couple Case	Male/Female spouse	05	Employees' spouse working in State Government, Central Government, PSUs, created under Acts or Rules.
(VI)	Employees widow of martyrs divorced/ Separated/ unmarried female employee more than 40 years of age.		10	All Female of this category shall be given 10 marks only.
(VII)	Employees having Outstanding Annual Confidential Report in previous year.	Outstanding	02	No marks, if ACR not available for previous year.

Note.—

- (i) Employees claiming merit point under “Special Category” shall be entitled to maximum of 20 points only, depending upon the category such employees belong to.
- (ii) If husband and wife both are working in Prisons Department, the benefit of 05 points in couple case can be claimed only by anyone of them and for the same the spouse claiming the benefit will have to submit an affidavit that his/her partner has not claimed the benefit under couple case.

7. Definition of vacant posts:

- (i) There shall be two types of vacancies as under:
 - (a) **Actual Vacancy:** A post not occupied by any employee.
 - (b) **Deemed Vacancy:** (i) Involuntary deemed vacancy: A post held by an employee previously or presently for a period of five years or more on the qualifying date in present place of posting; or

A post occupied by an employee given temporary manual posting due to non-availability of online transfer drive or compulsions of administrative or litigation nature. However, it will not include the posts occupied by employees who become duly posted as an outcome of the grievance redressal mechanism of a general transfer drive.

- (ii) Voluntary deemed vacancy: A post occupied by such employee who has been adjudged eligible and allowed to participate in general transfer drive even if he is not eligible otherwise on the minimum tenure criteria.
- (iii) Some vacancies of employees remain unfilled at any given point of time due to shortage of employees in the department. To avoid disproportionate concentration of employees at particular station, the department may block some actual vacant posts to be kept vacant in the transfer drive.

8. Procedure to be adopted

- (i) Employees suffering from
 - (a) 100% locomotor disability for any reasons; or
 - (b) currently suffering from cancer; or
 - (c) having undergone bye-pass heart surgery; or
 - (d) kidney transplant; or
 - (e) currently undergone dialysis;

shall be assigned 80 points (*60 for age factor and 20 for special points factor*) if they are willing to participate in a transfer drive. Otherwise, they shall not be transferred, if they are not willing to participate in a transfer drive. However, the certificate of cancer should not be more than six months old. Further, there will not be any bar to opt any place of posting except home district for these categories of employees.

- (ii) Director General of Prison shall call for willingness from the eligible employees for transfer to at least 10 different Jails in order of preference. If an employee does not give his preference or does not get a posting as per his preference, the computer will allot the vacancy as per available slots to all those who have completed total of 05 years of posting at a particular jail (whether single or multiple tenure, except those posted after a gap of 05 years) as on 01st January of the calendar year in which transfers are being made. If an employee does not get a posting as per his preference out of 10 willingness for different Jails, then before posting them under 'anywhere' in the State, the Department shall again seek their willingness against the remaining available posts at that point of time. This whole process will be an online process.
- (iii) Employees having 12 months or less service left before retirement shall not be transferred if they are not willing to participate in transfer drive.
- (iv) Merit criteria for allotment of station will be as per Para 6 above.
- (v) The transfer exercise shall be carried out only through approved web-based application.
- (vi) All transfers shall be implemented within seven days of their issuance. The DDO concerned shall not draw the salary of the employees who have not complied with the orders.
- (vii) Within 10 days of issuance of orders, the employee aggrieved with the transfer order can represent to the department after joining at new place of posting, subject to fulfillment of condition mentioned in Para 6. The representation so made shall be considered in accordance with the policy and appropriate decision shall be conveyed to them by the competent authority.
- (viii) Employees who have been transferred on their request will avail joining time only after joining at the new place of posting.

9. Clarification & Implementation

In case of any doubt or difficulty in making out the true intention of the provisions of this policy, the Additional Chief Secretary to Government, Haryana, Jails Department shall be the competent authority to clarify such doubt or to remove such difficulty by issuing a reasoned order.

10. Bar against canvassing

No employee shall canvass for his case except through a representation to the Director General of Prisons or to higher authorities in Haryana, as per this policy. All other individual representations shall be treated as an attempt to bring extraneous influence on the due process. No relief can be sought except the one already sought as per Para 8 (vii).

- 11. No TA/DA will be given, if the transfer is done in the request of the employee himself by giving relaxation of the transfer policy and he is given a posting of his/her choice,
- 12. Out of Cadre transfer: Any clerk, who is covered by this policy, can be transferred and posted in any Department/Board/Corporation of State and shall be treated on deputation in that Department/ Board/ Corporation etc. and shall be eligible for compulsory transfer after completion of three years of service at such station.
- 13. Power to Relax: Notwithstanding any thing contained in this policy, the Administrative Secretary of the Department with the prior approval of the Chief Minister, Haryana shall be competent to transfer any clerk to any place in relaxation of any or all the above provisions in public interest and administrative exigencies.

Chandigarh:
The 9th November, 2021.

RAJEEV ARORA,
Additional Chief Secretary to Government, Haryana,
Jails Department.